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11 Attorneys for Defendants JOSEPH BROWN,
COGNATE 3, LLC, SUZANNAH ROBERTS,
12 and PERFECT BALANCE, INCORPORATED,
and Counterclaimant/Third-Party Plaintiff
13 COGNATE 3, LLC

14
15 UNITED STATES DISTRICT COURT
16
17 DISTRICT OF NEVADA - RENO

18 JAMES W. FORSYTHE,

Case No. 3:10-CV-00716-RCJ-VPC

19 Plaintiff,

(Consolidated for all purposes with
Case No. 3:10-cv-00804-RCJ-VPC)

20 v.

JOSEPH BROWN, et al.,

**STIPULATION OF DISMISSAL WITH
PREJUDICE PURSUANT TO
CONFIDENTIAL SETTLEMENT
AGREEMENT**

21 Defendants .

22
23 AND RELATED COUNTER-CLAIMS

24
25
26 WHEREAS Plaintiffs and Counter-defendants JAMES W. FORSYTHE, and CENTURY
27 WELLNESS CLINIC, JAMES W. FORSYTHE, M.D., H.M.D. a Nevada Professional Corporation
28 (the "Forsythe Parties"), and Defendants JOSEPH BROWN, SUZANNAH ROBERTS, and

1 PERFECT BALANCE, INCORPORATED and Defendant and Counterclaimant, COGNATE 3, LLC
2 (the "Cognate Parties") participated in a Court supervised settlement conference on March 23, 2012,
3 and subsequently executed a Confidential Settlement Agreement thereon that was filed under seal
4 herein on August 21, 2012 (the "Confidential Settlement Agreement");

5 WHEREAS, pursuant to the Confidential Settlement Agreement, the Parties agreed to stipulate
6 to a dismissal of the action with the court retaining jurisdiction for the purpose of enforcing the
7 Confidential Settlement Agreement for a period of five (5) years; and

8 WHEREAS, the Court granted the Motion for Leave to File Dismissal of Action with Court
9 Retaining Jurisdiction (Docket No. 177);

10 NOW, THEREFORE, the Forsythe Parties by and through their counsel, Marie Mirch, Mirch
11 Law Office, and the Cognate Parties by and through their counsel, D. Greg Durbin and Eron Z.
12 Cannon, of the law firm of McCormick, Barstow, Sheppard, Wayte & Carruth LLP, hereby stipulate
13 and agree to the dismissal with prejudice of all complaints, counterclaims and third party complaints
14 herein, with the Court expressly retaining jurisdiction for a period of five (5) years after entry of the
15 dismissal for the purpose of enforcing the Confidential Settlement Agreement, the terms of which are
16 incorporated herein by reference. The parties hereby jointly request that the Court enter the Order
17 submitted with Stipulation of Dismissal With Prejudice, a copy of which is attached hereto.

18 DATED this 8 day of ^{August}
mm

19 MIRCH LAW OFFICE

20 By

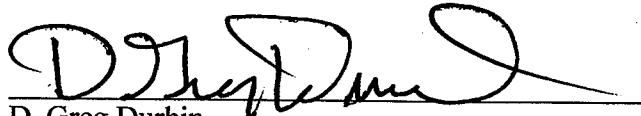
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21 Marie Mirch
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24 San Diego, California 92101

25 Attorneys for Plaintiffs and Cross-Defendants,
26 JAMES W. FORSYTHE and CENTURY
27 WELLNESS CLINIC; and JAMES W.
28 FORSYTHE, M.D., H.M.D. a Nevada
Professional Corporation

1 DATED this 20 day of July, 2012

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McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

By

D. Greg Durbin
Eron Z. Cannon


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Attorneys for Defendants JOSEPH BROWN,
COGNATE 3, LLC, SUZANNAH ROBERTS,
and PERFECT BALANCE, INCORPORATED,
and Counterclaimant/Third-Party Plaintiff
COGNATE 3, LLC

11065-00001 2132958.1

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA - RENO**

JAMES W. FORSYTHE,
Plaintiff

Plaintiff,

v.

JOSEPH BROWN, et al.,

Defendants .

Case No. 3:10-CV-00716-RCJ-VPC

(Consolidated for all purposes with
Case No. 3:10-cv-00804-RCJ-VPC)

**ORDER GRANTING DISMISSAL WITH
PREJUDICE**

AND RELATED COUNTER-CLAIMS

PURSUANT To Federal Rule of Civil Procedure 41(a), the Parties' Stipulation of Dismissal With Prejudice Pursuant to Confidential Settlement Agreement, and the Order granting the Motion for Leave to File Dismissal of Action with Court Retaining Jurisdiction (Docket No. 177):

IT IS HEREBY ORDERED that this consolidated action including all complaints, counterclaims and third party complaints be dismissed in their entirety with prejudice. The Court expressly retains jurisdiction over the matter for a period of five (5) years after entry of the dismissal for the purposes of enforcing the Confidential Settlement Agreement entered into between the parties and filed under seal herein, the terms of which are incorporated herein by reference.

DATED this 24th day of August, 2012.

United States District Judge

11065-00001 2132944.1